

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JANE DOE 1 and JANE DOE 2,

Plaintiffs,

vs.

BOARD OF REGENTS OF THE  
UNIVERSITY OF NEBRASKA,

Defendant.

Case No. 4:20-cv-03081

**JOINT MOTION  
TO ALLOW AMENDMENT OF EXPERT  
DISCLOSURES AND EXTENSION OF  
DISCOVERY AND EXPERT  
DESIGNATION DEADLINES TO THE  
EXTENT RELATED TO EXPERTS**

COME NOW Plaintiffs Jane Doe 1 and Jane Doe 2 (“Plaintiffs”), and the Board of Regents of the University of Nebraska (Defendant”), (collectively “Parties”) by and through their respective undersigned counsel, and request that the following deadlines be extended for the reasons stated below:

1. Both Plaintiffs and Defendant have made diligent effort to discover all relevant medical records from medical providers. Specifically, counsel for Plaintiffs requested from Nebraska Medicine the medical records of Jane Doe 1 and Jane Doe 1 on or around January 13, 2023, and received records between March 11 to 15, 2023. On or about November 28, 2022, May 26, 2023, and October 26, 2023, Defendants sent subpoenas and HIPPA Authorization forms to Nebraska Medicine through a third-party records management company, CIOX, requesting all medical records, including mental health records. Upon further investigation, the Parties have discovered that, although CIOX provided some medical records, it withheld pertinent mental health records. Specifically, all the records provided to Plaintiffs and Defendant did not include the mental health notes from the highly relevant mental health care providers.

2. On February 13, 2024, the Parties conferred via telephone after it was discovered that both parties do not have in their possessions the complete set of mental health records of both Jane Doe 1 and Jane Doe 2. The Parties are working diligently to

get the withheld records from Nebraska Medicine/CIOX and have discussed the impact of an incomplete set of mental health records on the progression of this case. The Parties agree that the requests as set forth in Paragraphs three through five will allow the Parties time to discover the missing information/documents and allow time for experts to review and amend/designate experts.

3. Allow the Plaintiffs to amend the expert disclosures of the already designated experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), within Twenty-One (21) days after receiving the mental health records from Nebraska Medicine.

4. Extend the deadlines for identifying and providing complete expert disclosures, including rebuttal, for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), be extended from February 29, 2024, for the defendant to Forty-Five (45) days after receiving Plaintiffs' amended expert disclosures.

5. The deadline for providing rebuttal expert disclosures for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), for plaintiffs within fifteen (15) days to respond to defendant's rebuttal expert disclosure.

6. The deadline for deposition of identified experts, retained and non-retained, be extended from April 30, 2024, to June 30, 2024. The deposition deadline for non-experts is to remain April 30, 2024.

7. The deadline for filing motions to exclude testimony on Daubert and related grounds be moved from June 1, 2024, to August 1, 2024.

8. All remaining deadlines in the Fourth Amended Progression Order dated September 28, 2023, remain the same.

9. The parties are working diligently to comply with all of the Court deadlines. The parties have been and continue to be actively engaged in written discovery. For instance, the Parties have already exchanged over 10,000 pages of documents thus far and have scheduled a number of depositions to be conducted in February, March and April of 2024. The Parties continue to work together to schedule depositions, considering other professional engagements of witnesses, the parties and parties' counsel. The extension of the above deadlines will allow the parties sufficient time to discover the facts at issue in this case. The Parties acknowledge the Court's prior instruction that the previous Progression Order is final but extenuating circumstances as set forth in Paragraphs one and two have resulted in the need to extend a few of the dates as provided above. The enlargement of time requested will not cause any undue hardship or prejudice to any party.

WHEREFORE, Plaintiffs and Defendant respectfully request that this Court extend the above deadline as requested herein.

DATED this 19<sup>th</sup> day of February, 2024.

JANE DOE 1 AND JANE DOE 2, Plaintiffs

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BOARD OF REGENTS OF THE  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 19, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties in this case.

/s/ Lily Amare  
Lily Amare